

JS 44C/SDNY  
REV. 7/2012

## CIVIL COVER SHEET

# 14 CV 3020

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet.

APR 28 2014

### PLAINTIFFS

DEUTSCHE BANK NATIONAL TRUST COMPANY, solely in its capacity as Trustee for the MORGAN STANLEY STRUCTURED TRUST I 2007-1

### DEFENDANTS

MORGAN STANLEY MORTGAGE CAPITAL HOLDINGS LLC, as Successor-by-Merger to MORGAN STANLEY MORTGAGE CAPITAL INC.

### ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

Steven F. Molo, Justin M. Ellis  
Molo Lamken LLP  
540 Madison Avenue, New York, NY 10022  
212-607-8160

### ATTORNEYS (IF KNOWN)

### CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE) (DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

This action is brought under 28 U.S.C. § 1332(a)(2) to recover damages under New York law for the Defendant's breach of a contract.

Has this or a similar case been previously filed in SDNY at any time? No ☒ Yes ☐ Judge Previously Assigned

If yes, was this case Vol. ☐ Invol. ☐ Dismissed. No ☐ Yes ☐ If yes, give date \_\_\_\_\_ & Case No. \_\_\_\_\_

IS THIS AN INTERNATIONAL ARBITRATION CASE? No ☒ Yes ☐

(PLACE AN [x] IN ONE BOX ONLY)

### NATURE OF SUIT

TORTS		ACTIONS UNDER STATUTES			
<b>CONTRACT</b>	<b>PERSONAL INJURY</b>	<b>PERSONAL INJURY</b>	<b>FORFEITURE/PENALTY</b>	<b>BANKRUPTCY</b>	<b>OTHER STATUTES</b>
[ ] 110 INSURANCE	[ ] 310 AIRPLANE	[ ] 362 PERSONAL INJURY -	[ ] 610 AGRICULTURE	[ ] 422 APPEAL	[ ] 400 STATE
[ ] 120 MARINE	[ ] 315 AIRPLANE PRODUCT	MED MALPRACTICE	[ ] 620 OTHER FOOD &	28 USC 158	REAPPORTIONMENT
[ ] 130 MILLER ACT	LIABILITY	[ ] 365 PERSONAL INJURY	DRUG	[ ] 423 WITHDRAWAL	[ ] 410 ANTITRUST
[ ] 140 NEGOTIABLE	[ ] 320 ASSAULT, LIBEL &	PRODUCT LIABILITY	[ ] 625 DRUG RELATED	28 USC 157	[ ] 430 BANKS & BANKING
INSTRUMENT	SLANDER	[ ] 368 ASBESTOS PERSONAL	SEIZURE OF		[ ] 450 COMMERCE
[ ] 150 RECOVERY OF	[ ] 330 FEDERAL	INJURY PRODUCT	PROPERTY		[ ] 460 DEPORTATION
OVERPAYMENT &	EMPLOYERS'	LIABILITY	21 USC 881	<b>PROPERTY RIGHTS</b>	[ ] 470 RACKETEER INFLU-
ENFORCEMENT	LIABILITY		[ ] 630 LIQUOR LAWS		ENCED & CORRUPT
OF JUDGMENT	[ ] 340 MARINE	<b>PERSONAL PROPERTY</b>	[ ] 640 RR & TRUCK	[ ] 820 COPYRIGHTS	ORGANIZATION ACT
[ ] 151 MEDICARE ACT	[ ] 345 MARINE PRODUCT		[ ] 650 AIRLINE REGS	[ ] 830 PATENT	(RICO)
[ ] 152 RECOVERY OF	LIABILITY	[ ] 370 OTHER FRAUD	[ ] 660 OCCUPATIONAL	[ ] 840 TRADEMARK	[ ] 480 CONSUMER CREDIT
DEFAULTED	[ ] 350 MOTOR VEHICLE	[ ] 371 TRUTH IN LENDING	SAFETY/HEALTH		[ ] 490 CABLE/SATELLITE TV
[ ] 153 STUDENT LOANS	[ ] 355 MOTOR VEHICLE	[ ] 380 OTHER PERSONAL	OTHER	<b>SOCIAL SECURITY</b>	[ ] 810 SELECTIVE SERVICE
(EXCL VETERANS)	PRODUCT LIABILITY	PROPERTY DAMAGE			[ ] 850 SECURITIES/
RECOVERY OF	[ ] 360 OTHER PERSONAL	PRODUCT LIABILITY	<b>LABOR</b>	[ ] 861 HIA (1395ff)	COMMODITIES/
OVERPAYMENT	INJURY			[ ] 862 BLACK LUNG (923)	EXCHANGE
OF VETERAN'S		<b>PRISONER PETITIONS</b>	[ ] 710 FAIR LABOR	[ ] 863 DIWC/DIWW (405(g))	[ ] 875 CUSTOMER
BENEFITS			STANDARDS ACT	[ ] 864 SSID TITLE XVI	CHALLENGE
[ ] 160 STOCKHOLDERS	<b>ACTIONS UNDER STATUTES</b>	[ ] 510 MOTIONS TO	LABOR/MGMT	[ ] 865 RSI (405(g))	12 USC 3410
SUITS	<b>CIVIL RIGHTS</b>	20 USC 2255	RELATIONS		[ ] 890 OTHER STATUTORY
[x] 190 OTHER	[ ] 441 VOTING	[ ] 530 HABEAS CORPUS	LABOR/MGMT	<b>FEDERAL TAX SUITS</b>	ACTIONS
CONTRACT	[ ] 442 EMPLOYMENT	[ ] 535 DEATH PENALTY	REPORTING &	[ ] 870 TAXES (U.S. Plaintiff or	[ ] 891 AGRICULTURAL ACTS
[ ] 195 CONTRACT	[ ] 443 HOUSING/	[ ] 540 MANDAMUS & OTHER	DISCLOSURE ACT	Defendant)	[ ] 892 ECONOMIC
PRODUCT	ACCOMMODATIONS		RAILWAY LABOR ACT	[ ] 871 IRS-THIRD PARTY	STABILIZATION ACT
LIABILITY	WELFARE	<b>PRISONER CIVIL RIGHTS</b>	LITIGATION	26 USC 7609	MATTERS
[ ] 196 FRANCHISE	[ ] 444 AMERICANS WITH	[ ] 550 CIVIL RIGHTS	OTHER LABOR		[ ] 894 ENERGY
	DISABILITIES -	[ ] 555 PRISON CONDITION	EMPLOYMENT		ALLOCATION ACT
<b>REAL PROPERTY</b>	EMPLOYMENT		SECURITY ACT		[ ] 895 FREEDOM OF
	[ ] 446 AMERICANS WITH		<b>IMMIGRATION</b>		INFORMATION ACT
[ ] 210 LAND	DISABILITIES -OTHER		[ ] 462 NATURALIZATION		[ ] 900 APPEAL OF FEE
CONDEMNATION	(Non-Prisoner)		APPLICATION		DETERMINATION
[ ] 220 FORECLOSURE			HABEAS CORPUS-		UNDER EQUAL
[ ] 230 RENT LEASE &			ALIEN DETAINEE		ACCESS TO JUSTICE
EJECTMENT			OTHER IMMIGRATION		CONSTITUTIONALITY
[ ] 240 TORTS TO LAND			ACTIONS		OF STATE STATUTES
[ ] 245 TORT PRODUCT					
LIABILITY					
[ ] 290 ALL OTHER					
REAL PROPERTY					

Check if demanded in complaint:

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN S.D.N.Y.? IF SO, STATE:

DEMAND \$ \_\_\_\_\_ OTHER \_\_\_\_\_ JUDGE \_\_\_\_\_ DOCKET NUMBER \_\_\_\_\_

Check YES only if demanded in complaint

JURY DEMAND: ☐ YES ☒ NO

NOTE: Please submit at the time of filing an explanation of why cases are deemed related.

(PLACE AN x IN ONE BOX ONLY)

## ORIGIN

- ☒ 1 Original Proceeding    ☐ 2 Removed from State Court    ☐ 3 Remanded from Appellate Court    ☐ 4 Reinstated or Reopened    ☐ 5 Transferred from (Specify District)    ☐ 6 Multidistrict Litigation    ☐ 7 Appeal to District Judge from Magistrate Judge Judgment
- ☐ a. all parties represented    ☐ b. At least one party is pro se.

(PLACE AN x IN ONE BOX ONLY)

## BASIS OF JURISDICTION

- ☐ 1 U.S. PLAINTIFF    ☐ 2 U.S. DEFENDANT    ☐ 3 FEDERAL QUESTION (U.S. NOT A PARTY)    ☒ 4 DIVERSITY

IF DIVERSITY, INDICATE  
CITIZENSHIP BELOW.  
(28 USC 1332, 1441)

## CITIZENSHIP OF PRINCIPAL PARTIES (FOR DIVERSITY CASES ONLY)

(Place an [X] in one box for Plaintiff and one box for Defendant)

CITIZEN OF THIS STATE	PTF DEF [ ] 1 [X] 1	CITIZEN OR SUBJECT OF A FOREIGN COUNTRY	PTF DEF [ ] 3 [ ] 3	INCORPORATED and PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE	PTF DEF [ ] 5 [ ] 5
CITIZEN OF ANOTHER STATE	[X] 2 [ ] 2	INCORPORATED or PRINCIPAL PLACE OF BUSINESS IN THIS STATE	[ ] 4 [ ] 4	FOREIGN NATION	[ ] 6 [ ] 6

## PLAINTIFF(S) ADDRESS(ES) AND COUNTY(IES)

Deutsche Bank National Trust Company  
1761 East St. Andrew Place  
Santa Ana, CA 92705  
Orange County

## DEFENDANT(S) ADDRESS(ES) AND COUNTY(IES)

Morgan Stanley Mortgage Capital Holdings LLC  
1585 Broadway, Floor 10  
New York, NY 10036  
New York County

## DEFENDANT(S) ADDRESS UNKNOWN

REPRESENTATION IS HEREBY MADE THAT, AT THIS TIME, I HAVE BEEN UNABLE, WITH REASONABLE DILIGENCE, TO ASCERTAIN THE RESIDENCE ADDRESSES OF THE FOLLOWING DEFENDANTS:

Check one: THIS ACTION SHOULD BE ASSIGNED TO: ☐ WHITE PLAINS ☒ MANHATTAN  
(DO NOT check either box if this is a PRISONER PETITION/PRISONER CIVIL RIGHTS COMPLAINT.)

DATE

SIGNATURE OF ATTORNEY OF RECORD

ADMITTED TO PRACTICE IN THIS DISTRICT

4/28/14  
RECEIPT #

[ ] NO  
[X] YES (DATE ADMITTED Mo. 12 Yr. 2004  
Attorney Bar Code SM-1818)

Magistrate Judge is to be designated by the Clerk of the Court.

Magistrate Judge \_\_\_\_\_ Is so Designated.

Ruby J. Krajick, Clerk of Court by \_\_\_\_\_ Deputy Clerk, DATED \_\_\_\_\_

UNITED STATES DISTRICT COURT (NEW YORK SOUTHERN)